IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3385 OF 2005
IN
CRIMINAL APPEAL NO. 509 OF 2005

Shri.Shivaji Keru Kolape ..Applicant

Vs.

State of Maharashtra ..Respondents

...
Mr. M.N.Dhamal Advocate for Applicant
Mr. Y.S.Shinde, A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JULY 5,2005

P.C.

1. Heard both sides.

2. The applicant has been convicted under Section 324, 304 part II of IPC. He has been sentenced to seven years R.I. for offence under Section 304 Part II of IPC. In the said incident, one Sampat lost his life. It is the prosecution case that the applicant along with others assaulted Sampat and P.W.6 Tatyaba who is the son of Sampat. Sampat was assaulted with an axe on his head. Due to the said

injury, he died. The evidence of P.W.6 Tatyaba implicates the applicant. Even though, no independent witness has been examined, this would not be material in view of the fact that P.W.6 Tatyaba has not been shaken in his cross examination.

3. At this stage, the learned advocate for the applicant submitted that there is a cross case and accused including the applicant had received injuries in the said case. It is true that there is cross case and the accused persons including the applicant received injuries in the cross case. However, it is to be noted that the said injuries are simple in nature whereas, on the other hand, the applicant and others assaulted Sampat with deadly weapons and caused his death. In this view of the matter, I do not think that this is a fit case to grant bail.

4. Application for bail is rejected.

[V.K.TAHILRAMANI,J.]